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## COMMITTEE ON ARMED SERVICES

**U.S. House of Representatives**

**Washington, DC 20515-6035**

ONE HUNDRED NINTH CONGRESS

September 21, 2005

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ROBERT L. SIMMONS, STAFF DIRECTOR

The Honorable George W. Bush  
The White House  
Washington, DC, 20500

Dear Mr. President:

When Hurricane Katrina hit the Gulf Coast a mere three weeks ago, the poor coordination of efforts among federal, state and local agencies during the initial response raised concerns among many Americans. The federal government, to include the Congress, must examine all aspects of this response, including whether the laws governing the interactions of various agencies in a time of large-scale disaster should be revisited. Such a review will not only help improve our nation's ability to manage natural disasters but can potentially enhance future consequence management capabilities necessary to respond to a terrorist attack.

Currently, the Stafford Act provides the legal framework for you to declare an emergency or major disaster in the event of an occurrence where the resources of the state and local governments are overwhelmed. The act also employs appropriate safeguards to ensure that state and federal jurisdictions are respected throughout the process. Additionally, the Posse Comitatus Act significantly limits the instances in which American military forces can be used for domestic law enforcement purposes. However, you have the full authority to waive the limitations of this act and employ military forces to restore domestic order, pursuant to constraints laid out both in statute and in Department of Defense (DoD) directives from 1989 and 1994.

In your address to the nation speech on September 15, 2005, you said "It is now clear that a challenge on this scale requires greater federal authority and a broader role for the armed forces." This statement seems to imply one of two intentions. Either you intend to alter the means by which the Posse Comitatus Act is waived, possibly allowing the federalization of disaster response to occur more expeditiously, or you intend to press for a rewriting of this law or others relating to the use of federal forces in domestic contingencies.

My question to you is whether efforts are underway to put your words into action. Is there an intent to either rethink the process by which you waive the Posse Comitatus Act or to encourage a full rewrite of the act itself? If so, then how? If not, then why? What changes, if any, are being contemplated to federal planning documents to contemplate a broader role for military forces? What direction has been given to the Department of Defense subsequent to your address to assess their plans and doctrine for domestic preparedness and response? Has the Department been given specific guidance with respect to inclusion of these issues in the Quadrennial Defense Review?

Our nation has faced many disasters, from those at the hands of nature to those at the hands of man, and the American people deserve to know that whatever the cause, a swift, competent and effective response will be forthcoming.

I look forward to hearing from you on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ike Skelton', with a long horizontal flourish extending to the right.

Ike Skelton  
Ranking Democrat